

1                   UNITED STATES DISTRICT COURT  
2                   EASTERN DISTRICT OF CALIFORNIA  
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4                   UNITED STATES OF AMERICA,         ) Docket No. 22-CR-70  
5    ) Sacramento, California  
6   Plaintiff,         ) September 19, 2022  
7   ) 9:06 a.m.  
8   v.                     )  
9   )  
10   SHERRI PAPINI,         ) Re: Judgment and sentence  
11   Defendant.         )  
12

13   TRANSCRIPT OF PROCEEDINGS  
14   BEFORE THE HONORABLE WILLIAM B. SHUBB  
15   SENIOR UNITED STATES DISTRICT JUDGE  
16

17 APPEARANCES:

18                   For the Plaintiff:           UNITED STATES DEPARTMENT OF JUSTICE by  
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1                   SACRAMENTO, CALIFORNIA, MONDAY, SEPTEMBER 19, 2022

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3                   (In open court.)

4                   THE CLERK: Case criminal 22-70, the United States v.  
5 Sherri Papini.

6                   Counsel, please state your appearances.

7                   MS. ALEGRIA: Good morning, Your Honor; Veronica  
8 Alegria and Shelley Weger on behalf of the United States.

9                   MR. PORTANOVA: And good morning, Your Honor; William  
10 Portanova on behalf of Ms. Papini, who is present.

11                  THE COURT: This matter is on today for judgment and  
12 sentence.

13                  The Court has received the final presentence report  
14 from the probation officer, which was made available on August  
15 the 8th of this year and revised for the second time on  
16 September the 8th.

17                  Mr. Portanova, have you received and read a copy of  
18 the final presentence report?

19                  MR. PORTANOVA: I have, Your Honor.

20                  THE COURT: And have you discussed it fully with  
21 Ms. Papini?

22                  MR. PORTANOVA: Yes, Your Honor.

23                  THE COURT: Ms. Papini, have you received and read a  
24 copy of the final presentence report?

25                  THE DEFENDANT: Yes, Your Honor.

1           THE COURT: Have you discussed it with Mr. Portanova?

2           THE DEFENDANT: Yes, Your Honor.

3           THE COURT: Ms. Weger or Ms. Alegria, has the  
4 government received a copy of this report?

5           MS. ALEGRIA: Yes, Your Honor.

6           THE COURT: Looking first to the sentencing  
7 guidelines, Mr. Portanova, do you have any objections to the  
8 findings of the presentence report with respect to the  
9 calculation of the sentencing guidelines?

10          MR. PORTANOVA: No, Your Honor.

11          THE COURT: Does the government have any objections?

12          MS. ALEGRIA: No, Your Honor.

13          THE COURT: Very well. Then there being no objections  
14 to the findings of the presentence report, the Court adopts  
15 those findings and determines them to be true and correct.  
16 Accordingly, the Court finds that the applicable offense level  
17 is 11, and the criminal history category is 1.

18          Now, Mr. Portanova, I'd like to hear what you have to  
19 say with regard to the sentence to be imposed. This case is  
20 unique, to say the least, and there are a few precedents that  
21 the Court can look to as guidance.

22          I have considered the sentencing guidelines, and of  
23 course the Court is not bound by the guidelines. The Court may  
24 impose a sentence within the guidelines, above the guidelines  
25 or below the guidelines.

1           I need to consider all of the relevant sentencing  
2 factors in section 3553(a) of Title 18, and I would appreciate  
3 any comments, suggestions, remarks and arguments you might have  
4 with respect to those factors.

5           MR. PORTANOVA: Thank you, Your Honor.

6           Sherri Papini does present a unique case for our  
7 office and perhaps for the Court or one of the unique cases the  
8 Court has experience with.

9           We have a crime and a series of crimes and coverups of  
10 the crime, took place many years ago, that was clearly the  
11 product at that time of a disturbed mind. We do not make  
12 mental health defense excuses here, Your Honor. We are simply  
13 reporting the facts as we have learned them over the course of  
14 the past six months of a fairly intense relationship with  
15 Ms. Papini and my office.

16           There is no question that at the time she committed  
17 these offenses, she was living in a world of denial, a  
18 conflicting world of competing interests, a world that had been  
19 spun for her by whatever she did in her early years and  
20 whatever other people did to her. That doesn't make her  
21 unique, of course, but in this case it had unique consequences.

22           There's no question that she is today the person that  
23 she is supposed to be.

24           She has -- I have never had a client demand that I be  
25 so brutally frank in the sentencing memorandum as I have with

1 Ms. Papini.

2           She wants nothing to do with the person that she had  
3 allowed herself to become through her own craziness and  
4 selfishness, and today she stands as if she has passed through  
5 a shattered glass and is a new person.

6           Her overwhelming sense of guilt for what she's done to  
7 her family, to her children in particular, and the waste of  
8 time that she created for law enforcement and the people of  
9 Northern California and the good people who care about real  
10 kidnap victims tears at her constantly.

11           When she was in the middle of her lie, she continued  
12 to see a psychologist or licensed clinical social worker for  
13 the entire 5 years, 250 visits, and never came close to  
14 approaching what her real problem was.

15           Not until she was painted into a corner by the good  
16 work of the FBI and the Shasta County District Attorney's  
17 Office facing this case head-on and sitting in our office did  
18 she become forced to accept the insanity of what she had done,  
19 the nonsense of the denial, and she had to admit the fact that  
20 what she had done, as painful as it was to admit, really did  
21 include her leaving her family and her children, who are the  
22 most important things in the world to her, there's no doubt  
23 about it, but she did this. She left. She was gone for three  
24 weeks. She disassembled and lied when she returned, and then  
25 she kept it going the entire time until forced to change her

1 mind.

2 THE COURT: The government makes the statement in its  
3 sentencing memorandum that she continued to assert that she had  
4 been kidnapped even after the time that you are telling us that  
5 she faced up to reality with you, the probation officer and the  
6 Court. Would you like to comment on that?

7 MR. PORTANOVA: I have seen a letter or two that was  
8 presented by people who have their own gripes with Ms. Papini  
9 who make that claim. To me it is gossip. I don't have any  
10 proof that that is actually happening.

11 But I will also say this: To the extent that Sherri  
12 Papini has not found it necessary to explain her entire  
13 psychological breakdown and what she's done and how she's  
14 coming to terms with the fact that she abandoned the one thing  
15 in her life that she loved, and to the extent that she did a  
16 180-degree turn on a Sunday afternoon in my office just before  
17 court --

18 THE COURT: She did a 180-degree turn when?

19 MR. PORTANOVA: When she admitted the truthfulness of  
20 the allegations against her.

21 THE COURT: When was that?

22 MR. PORTANOVA: Before she pled guilty, Your Honor.

23 THE COURT: The report seems to indicate that she was  
24 telling Dr. Forester within four days before the date that she  
25 appeared in this court that she was kidnapped.

1                   MR. PORTANOVA: I spoke with Dr. Forester. I told  
2 Sherri not to waste his time -- her time going back and trying  
3 to correct the record with her; that she had not, in my  
4 opinion, helped Sherri Papini achieve any breakthrough in 255  
5 visits and that I recommended she get a different doctor.

6                   And Sherri Papini asked me "Should I explain  
7 everything to Dr. Forester"?

8                   And I said, "No. Work on the future."

9                   The fact that Dr. Forester, after having been relieved  
10 of her responsibilities, somehow chose to do a post-treatment  
11 different analysis than what she had said over the course of  
12 five years, I cannot -- I can't defend it, and I don't  
13 understand why she did it.

14                  THE COURT: I'm not sure I understand what you're  
15 saying. Are you saying she did not tell Dr. Forester four days  
16 before she appeared in this court that she had been kidnapped?

17                  MR. PORTANOVA: When she -- she had appointments with  
18 Dr. Forester every week. When she was in my office and she  
19 agreed with me that it is time to simply admit that it was all  
20 a lie, she fired Dr. Forester and chose not to engage her  
21 further and let Dr. Forester live with whatever thoughts she  
22 had.

23                  No one ever thought a doctor, a psychiatrist, an LCSW,  
24 would write a cruel letter expressing her anger after she had  
25 been relieved from treating her. She has no place in this

1 courtroom.

2 Dr. Diggs, himself, who she started treating with  
3 immediately, approached it from a position of truth. And his  
4 letter shows five and six months of her hard work on honesty.

5 But in 255 visits, Dr. Forester achieved exactly zero  
6 breakthroughs with Sherri Papini.

7 THE COURT: Yes, but that's because Ms. Papini was not  
8 telling Dr. Forester the truth, right?

9 MR. PORTANOVA: That's 100 percent true, Your Honor,  
10 but the question of the Court was whether or not she was  
11 telling people after her plea that she had not -- that she had,  
12 in fact, been kidnapped. And I'm here to report to the Court  
13 that that changed completely days before the plea.

14 She pled guilty in open court, she pled guilty under  
15 oath, and she admitted the facts and told the world --

16 THE COURT: But it's not the date that she pled  
17 guilty.

18 When did you enter into the plea agreement; not the  
19 day that she pled guilty?

20 MR. PORTANOVA: No.

21 THE COURT: How long before she pled guilty did you  
22 enter into the plea agreement?

23 MR. PORTANOVA: It was the Sunday before. So several  
24 days.

25 THE COURT: Several days. So just to be clear, are

1 you telling me that she did not tell anyone after she entered  
2 the plea agreement that she had been kidnapped?

3 MR. PORTANOVA: I can't say that, Your Honor, because  
4 everybody in the world was peppering her with questions, and I  
5 don't think it was her responsibility to add fuel to the media  
6 firestorm of explaining to them the intense psychological  
7 process she went through to get to the point where she admitted  
8 her guilt.

9 THE COURT: All right.

10 MR. PORTANOVA: I advised her not to tell anybody  
11 anything, and it's my opinion she didn't.

12 And if you read the letters from her family and  
13 supporters, they say that. And they all demonstrate proof that  
14 over this last six months, she has done nothing but admit her  
15 guilt and try to move forward.

16 And our sentencing memorandum could not have made that  
17 more clear. I've never had a client with such a sentencing  
18 memorandum being so clear about her acceptance of guilt.

19 THE COURT: All right. Go ahead.

20 MR. PORTANOVA: So to the extent that somebody may say  
21 otherwise, I'm sure everybody has an opinion on everything, but  
22 it doesn't make it admissible or relevant or even true.

23 Now, ordinarily in a situation where I have a young  
24 mother who's facing jail time, I would say to the Court, let's  
25 have sympathy for Ms. Papini because she has children. I can't

1 say that here because those are the same children she abandoned  
2 in that three-week period.

3 I could say she's a loving mother and homeschooled and  
4 does all sorts of wonderful things for her family and is loved  
5 by the people that are close to her, but these are the same  
6 people that she rejected and terrified by her scheme.

7 So today she stands here as somebody literally  
8 exposing her entire soul for the Court and the press, all of  
9 whom are paying attention, to this broken woman who did a  
10 terrible thing to herself, to her family, to the community.  
11 And all she has done since we have been brought on board to  
12 help her is admit her guilt and work on her future.

13 She is without her children. The family court  
14 proceedings were dominated by her husband for the last six  
15 months, which we understand and accept the rationale behind  
16 that. That is going to be a long and intense process.

17 Her recovery is a long and intense process, but I  
18 think her recovery can be demonstrated through any testimony we  
19 might seek from pretrial services or the probation office or  
20 the woman she lives with who's here in court.

21 Sherri Papini is a different person today. Doesn't  
22 mean she doesn't get punished. Doesn't mean we have to forgive  
23 her. But, to the extent that a false claim like this has a  
24 very negative effect on everything everywhere, from law  
25 enforcement to community trust, we get it. She's pleading to

1 felonies. We get that. And she needs to be punished. We  
2 understand that as well.

3 My position is simply that the amount of punishment  
4 that she receives is probably going to pale compared to the  
5 punishment she feels every minute. All the people that we  
6 walked past on the way into the courtroom today, everybody that  
7 she sees in public, everyone knows what's happened here. She  
8 knows it. She knows that she did that to people, and she knows  
9 she has no excuse. That's never going away.

10 Time in jail is required, of course, by most judges in  
11 most felony cases. I wasn't going to argue to give her no  
12 time, Your Honor, because I recognize the deterrent effect the  
13 Court seeks to impose, share with the country. But the truth  
14 is, she does not need much custody time in order to underline  
15 the message that she has received and that she has accepted and  
16 that she has shared openly with everybody in her life; maybe  
17 not the people she doesn't trust. Maybe the people she doesn't  
18 like she did not open her soul to and tell them everything, but  
19 she certainly told us. She certainly told the Court. She  
20 certainly told Dr. Diggs. And she certainly put it in her  
21 sentencing memorandum.

22 THE COURT: You mentioned testimony. It was not the  
23 Court's understanding that anybody intended to call witnesses.  
24 Do you want to call witnesses this morning?

25 MR. PORTANOVA: No, Your Honor.

1                   THE COURT: All right.

2                   I wanted to ask you about restitution. Part of the  
3 proposed judgment is that Ms. Papini make restitution. Is  
4 there any realistic possibility that she's going to be able to  
5 make restitution?

6                   MR. PORTANOVA: This is not -- not in the position  
7 that she's in now.

8                   There is, of course, public interest in this, but I  
9 can accurately and honestly report to the Court that we have  
10 accepted and pursued nothing in terms of anyone's interest in  
11 her story. We don't think it's relevant, and I'm not going to  
12 be involved in it.

13                  So to the extent that there may be some value at some  
14 point in the future, then I suppose there is a chance that she  
15 could make restitution, but I have -- as she stands here today,  
16 she's broke, as the reports in her family law case make clear.  
17 Her husband owns 100 percent of everything, always has, and has  
18 a prenuptial agreement guaranteeing that he owns a hundred  
19 percent of everything going back years. She literally has  
20 nothing. She stays with her sister-in-law.

21                  And, you know, the reason I'm not arguing that she has  
22 zero chance at restitution is because she's a young woman. She  
23 can work. She can make payments. There's no question about  
24 that.

25                  The amount of money involved here may or may not be

1 met, but once this case is finished, she will be able to be  
2 released into the working world again and perhaps make some  
3 substantial payments, but I -- we have nothing to base that on.  
4 She has been a mother at home for the last five, six years.  
5 Before that, she was an account executive with the telephone  
6 company, brief period of time. And to the extent that she  
7 needs now to choose a new life and a new career alone, it is a  
8 question mark.

9 THE COURT: Before I call upon Ms. Papini, Ms. Weger  
10 or Ms. Alegria, is there anything would you like to say on  
11 behalf of the government?

12 MS. ALEGRIA: Yes, Your Honor. Thank you.

13 Your Honor, defense has articulated that Ms. Papini is  
14 a different person today. And while the government hopes that  
15 that is true, the government implores Your Honor to look to the  
16 history of this case.

17 Ms. Papini is a skillful liar and manipulator. She  
18 maintained her lies for years. She fooled her family, her  
19 closest friends, a therapist, law enforcement officers. At  
20 this point she would say and do anything to mitigate her  
21 punishment. And I think Your Honor rightly pointed out that  
22 there seemed to be some differences of opinions and some  
23 statements that illustrate that she has been weaving various  
24 stories in order to get the most benefit.

25 Your Honor, the government recommends eight months of

1 imprisonment, a low-end sentence of the guidelines; not home  
2 confinement but imprisonment because, Your Honor, this  
3 defendant -- for this defendant we believe home confinement  
4 would not be very much punishment because, as her history  
5 shows, she voluntarily almost confined herself during the 22  
6 days that she was missing. And then after she returned, she  
7 pretty much stayed at home.

8 This case is serious and there have been real harms to  
9 society. There was the community that came together during  
10 those 22 days and volunteered immeasurable time to search for  
11 her and almost \$50,000 in aid of her recovery.

12 And then when she returned and spoke about Hispanic  
13 women abducting her in broad daylight at gunpoint, there was a  
14 community that lived in fear, that wouldn't go out jogging,  
15 that was afraid of being abducted similarly, especially when  
16 these two fictional Hispanic women could not be found.

17 And then there was the Hispanic community that were  
18 the victims of many tips to law enforcement that they were  
19 actually perpetrators in this fictional crime.

20 And, Your Honor, Ms. Papini took funding from real  
21 victims, from the California Victim Compensation Board, and  
22 when she caused law enforcement agencies --

23 THE COURT: Can I ask you about that?

24 You've said in your brief that she took the funding  
25 from real victims and you've said it here today. Is that from

1 a state fund, or does that actually come from others?

2 MS. ALEGRIA: It's a state fund, Your Honor.

3 THE COURT: So she took money really from the State?

4 MS. ALEGRIA: She took money from the State that would  
5 otherwise have been used for real victims, Your Honor.

6 THE COURT: All right. Is it a limited fund that can  
7 only be limited to a certain extent?

8 MS. ALEGRIA: Your Honor, I believe this fund is  
9 funded through crimes paid by criminals. I don't know for  
10 sure.

11 THE COURT: All right. So the amount of the fund may  
12 be limited, but you're not sure?

13 MS. ALEGRIA: Yes, Your Honor.

14 THE COURT: What about the Go Fund Me, is there any  
15 chance that those people will get that money back?

16 MS. ALEGRIA: I don't believe so, Your Honor.

17 THE COURT: Go ahead.

18 MS. ALEGRIA: There are -- in general, victims of  
19 crimes may now fear that they won't be believed by law  
20 enforcement because of this hoax and the notoriety of her false  
21 claims.

22 So, Your Honor, this case is serious and we believe  
23 that it is not the product of a disturbed mind or someone in  
24 denial, but it was the product of someone who began planning it  
25 since as early as December of 2015, almost a year before she

1 actually went missing. And because of that, a just sentence  
2 would be eight months in prison.

3 THE COURT: All right. Ms. Papini, this is your  
4 opportunity. What would you like to tell the Court before I  
5 pronounce sentence?

6 MR. PORTANOVA: She has a statement that she's  
7 written, Your Honor.

8 THE DEFENDANT: Your Honor, I stand before you humbled  
9 by this Court, truly honored and grateful you're allowing me to  
10 speak.

11 I'm so sorry to the many people who have suffered  
12 because of me, the people who have sacrificed for the broken  
13 woman that I was, the people who gave willingly to help me at a  
14 time that I so desperately needed help. I thank you all.

15 I thank the government for allowing me this  
16 opportunity for this plea agreement.

17 I thank my attorney team for fighting for me.

18 And I thank the many people who are still willing to  
19 help me on my long road ahead.

20 And I thank you, Your Honor. You've seen so much  
21 dishonor laid before you here in this room, people who are not  
22 willing to walk through the shame and say that they are guilty.

23 I am not one of them. I am guilty, Your Honor. I am  
24 guilty of lying, I am guilty of dishonor, and I stand before  
25 you willing to accept, to repent and to concede.

1           I trust in this court. I trust in the officers  
2 handling my release and I trust in you, Your Honor, to see me,  
3 to hear me.

4           What was done cannot be undone. It cannot be erased. I  
5 am not choosing to stay frozen like I was in 2016. I am  
6 choosing to commit to healing the parts of myself that were so  
7 very broken, and I am choosing to humbly accept all  
8 responsibility. Thank you sincerely. Thank you.

9           THE COURT: The Court is ready to rule.

10          As I have said, the Court must consider the sentencing  
11 guidelines, and I do. The Court considers the recommendation  
12 of the United States Attorney and the recommendation of the  
13 probation officer in this matter, as well as Mr. Portanova's  
14 request.

15          As indicated, the Court is not bound by the  
16 guidelines. I have a number of other factors that I must  
17 consider. And to be entirely candid, I believe Ms. Papini  
18 needs to serve a longer prison term than that recommended  
19 either by the probation officer or by the government.

20          Among the factors that the Court must consider are the  
21 seriousness of the offense and the need to deter others who  
22 might consider similar conduct. And I don't believe either one  
23 month or eight months in jail are sufficient to satisfy those  
24 needs.

25          The seriousness of the offense is exemplified by what

1 the government has set forth in its sentencing memorandum and  
2 here in court.

3 Just the sheer numbers of people that were impacted by  
4 Ms. Papini's conduct, the officers that took their time away  
5 from other victims to investigate this case, the other victims  
6 of other crimes that had their cases ignored or put on the back  
7 burner while Ms. Papini's case was investigated, all of the  
8 members of the community who lived in fear of the presence of  
9 two Hispanic women that might kidnap them, those who helped  
10 look for Ms. Papini while she was missing, and not the least,  
11 her family and friends who, for those three weeks, believed she  
12 had been kidnapped and may not ever return and then for the  
13 next four years believed her story. All those people have been  
14 impacted.

15 People don't like to be conned. And I doubt that most  
16 of those people who were deceived would believe that one month  
17 or eight months in jail is an adequate punishment for this  
18 offense.

19 The seriousness of the offense is also exemplified by  
20 the amount of loss that the government has pointed out, the  
21 amounts paid by the California Victims Assistance Fund, the  
22 Social Security Administration and the time expended by not  
23 just Shasta County officials but the FBI.

24 And then finally, there's that \$49,000 that people  
25 contributed to the Go Fund Me account under those fraudulent

1 representations that were made by Ms. Papini. They thought she  
2 had been kidnapped. Out of the generousness of their hearts,  
3 they gave their hard-earned money for her and her family to  
4 help them based upon that lie, and that money will never be  
5 returned.

6 Now, I know the probation officer has recommended  
7 restitution, and it's part of the law that the Court must  
8 impose restitution, but let's be realistic about it. That  
9 restitution is never going to be paid. Some \$300,000 that  
10 she's going to be ordered to pay will never be paid, not unless  
11 she wins the lottery.

12 She has hopes of gaining employment. I would ask  
13 rhetorically who's going to employ Ms. Papini in the future?  
14 And I doubt that the victims who have been defrauded out of  
15 that money would feel that eight months in jail is anywhere  
16 near equivalent to the loss that they have incurred. And so I  
17 think a greater sentence than that recommended is required.

18 I have given a lot of thought to what that might be.  
19 And I believe that the sentence I'm going to impose is the one  
20 that is sufficient but not greater than necessary to accomplish  
21 all of the relevant sentencing purposes.

22 I noted that the government stated in its memorandum  
23 that the nation is watching this proceeding. I'm not sure the  
24 entire nation is watching, but to the extent that people are  
25 watching this proceeding, I think they need to be sent the

1 right message.

2 I've mentioned deterring others from committing  
3 similar crimes. I like to think it isn't so, but there maybe  
4 some copycat or copycats out there that might consider  
5 something similar to what Ms. Papini did, maybe to gain  
6 sympathy from their friends and relatives or the community,  
7 maybe to gain some notoriety, maybe even to gain some profit.  
8 After all, just look at the Go Fund Me account that has over  
9 \$49,000 in it. Someone may think: I can do the same. If I  
10 get away with it, I'll have \$49,000. If I don't get away with  
11 it, I'll spend maybe a month, eight months in jail. If I spend  
12 a month, that's \$49,000 a month. That's a pretty good profit.  
13 If I spend eight months, that's still about \$6,000 a month as I  
14 calculate it. And we have to make sure that crime does not  
15 pay. And I don't want to impose a sentence that will cause  
16 anybody to think if they did the same thing or similar to what  
17 Ms. Papini did, the crime may pay for them. So that's a  
18 consideration that we have to take into account.

19 And I have taken into account Ms. Papini's childhood.  
20 That's in the presentence report. It's discussed. It was not  
21 good. But compared to many others that we've seen, it's not  
22 that remarkable. Yes, her parents had a drinking problem, they  
23 argued, but there's no evidence she was abused physically or  
24 sexually. There is a reference to being pulled by the hair.  
25 But other than her own statements, there's nothing to suggest

1 that it was that extreme. To that extent, her upbringing may  
2 be overstated.

3 You've alluded to Dr. Diggs' report. I know the  
4 probation officer considered it carefully. But as the  
5 government points out, Ms. Papini's a manipulator and now that  
6 she's got Dr. Diggs, I think she's making every effort to  
7 manipulate Dr. Diggs as she did Dr. Forester, as she attempted  
8 do with the probation officer and, quite frankly, what she  
9 attempts to do with the Court.

10 Dr. Forester saw her over 300 times and believed her  
11 story, that she had been kidnapped.

12 Dr. Diggs, likewise, has to rely upon what Ms. Papini  
13 tells to Dr. Diggs. And finally, I just wanted to say it's not  
14 as if Ms. Papini has seen the error in her ways and decided to  
15 fess up. Her hoax was uncovered only by the diligent detective  
16 work of the Shasta County officials and the FBI, including DNA  
17 and interviews, physical evidence and old fashioned legwork.  
18 It was not because she decided to come forward and admit to her  
19 wrongdoing. And I'm convinced that if she had not been caught  
20 that she'd still be living the lie. She'd still be telling  
21 everybody how she was kidnapped, and she'd still be taking the  
22 money that people were contributing to her.

23 So with all of that in mind, pursuant to the  
24 Sentencing Reform Act of 1984, it is the judgment of the Court  
25 that the defendant is hereby committed to the custody of the

1 Bureau of Prisons to be imprisoned for a term of 18 months on  
2 each of Counts 3 and 35 to be served concurrently for a total  
3 term of 18 months.

4 The defendant shall pay a special penalty assessment  
5 of \$200, payment to begin immediately.

6 The Court finds that Ms. Papini does not have the  
7 ability to pay a fine, and, therefore, the imposition of a fine  
8 is waived.

9 It is further ordered the defendant shall pay  
10 restitution to the victims in the amount of \$309,902.23, as  
11 outlined in the restitution attachment to the presentence  
12 report, payment to begin immediately.

13 The interest on the restitution and special penalty  
14 assessment is waived. The restitution shall be sent to the  
15 Clerk of the Court, who will forward it to the victims.

16 Payment of any unpaid criminal monetary penalty in  
17 this case is due during the term of imprisonment at the rate of  
18 10 percent of the defendant's gross income per month or \$25 per  
19 quarter, whichever is greater.

20 The payment shall be made through the Bureau of  
21 Prisons Inmate Financial Responsibility Program.

22 Upon release, the defendant shall be placed on  
23 supervised release for a term of 36 months. I know the  
24 probation officer recommended 24. I am imposing 36 months of  
25 supervised release on Counts 3 and 35 to be served concurrently

1 for a total term of 36 months supervised release.

2           Within 72 hours of release from the custody of the  
3 Bureau of Prisons, the defendant shall report, in person, to  
4 the probation office in the district to which she is released.

5           While on supervised release, the defendant shall not  
6 commit another federal, state or local crime and shall not  
7 illegally possess controlled substances.

8           She shall make restitution in accordance with the  
9 provision of section 3663 and 3663(a) of Title 18 United States  
10 Code or any other statute authorizing a sentence of  
11 restitution.

12           The defendant shall cooperate in the collection of  
13 DNA, as directed by the probation officer, and shall comply  
14 with the standard conditions, which have been recommended by  
15 the United States Sentencing Commission and adopted by this  
16 Court.

17           The Court will suspend the mandatory drug testing  
18 condition based upon its determination that Ms. Papini poses a  
19 low risk of future substance abuse.

20           The defendant shall also comply with the following  
21 special conditions: First, she shall submit to the search of  
22 her person, property, home and vehicle by a United States  
23 Probation Officer or any other authorized person to commit --  
24 to perform searches. She shall cooperate in the search of any  
25 electronic communications data, storage devices or media or

1 office as well, based upon reasonable suspicion of unlawful  
2 conduct or a violation of a condition of supervision without a  
3 search warrant. The failure to submit to a search may be  
4 grounds for revocation.

5 The defendant shall warn any other occupants of the  
6 premises that they may be subject to search pursuant to this  
7 condition.

8 Second, the defendant shall follow the rules and  
9 regulations of the location monitoring -- excuse me. She --  
10 that's not applicable.

11 She shall participate in an outpatient mental health  
12 treatment program and follow the rules and regulations of that  
13 program.

14 The probation officer, in consultation with the  
15 treatment provider, will supervise her participation in that  
16 program.

17 Third, she shall not dispose of or otherwise dissipate  
18 any of her assets until the fine and restitution ordered by  
19 this Court is paid in full, unless she obtains prior approval  
20 from the Court.

21 Fourth, she shall apply any and all moneys received  
22 from income tax refunds, lottery winnings, inheritance,  
23 judgments and any anticipated or unexpected financial gains to  
24 any unpaid fine and restitution ordered by this Court.

25 Fifth, she shall provide the probation officer with

1 access to any requested financial information and authorize the  
2 release of any financial information. The probation officer  
3 may share any financial information with the United States  
4 Attorney's Office.

5 Sixth, she shall not incur any new lines of credit,  
6 credit charges or open additional lines of credit without the  
7 express approval of the probation officer.

8 Seventh, she shall make payments toward any unpaid  
9 monetary penalty in this case while the supervised release is  
10 pending at a rate of 10 percent of her gross monthly  
11 payments -- income. Excuse me -- gross monthly income.

12 The payments are to commence no later than 60 days  
13 from placement on supervision.

14 The payment schedule does not prohibit the United  
15 States from collecting, through any and all available means,  
16 any criminal monetary penalty at any time, as prescribed by  
17 law.

18 And finally, she must participate in a copayment plan  
19 for treatment, testing and/or medication and shall make payment  
20 directly to the vendor under the contract with the United  
21 States Probation Office. Her copayment will be determined  
22 utilizing a sliding-fee scale, based upon her disposable  
23 income.

24 Do you understand the conditions of supervision,  
25 Ms. Papini?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: And do you understand the sentence?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Mr. Portanova, are you asking the Court to  
5 recommend a place of confinement?

6 MR. PORTANOVA: Yes, Your Honor. California.

7 Someplace this California, Your Honor.

8 THE COURT: All right. The Court will recommend that  
9 Ms. Papini be incarcerated at an institution in California, but  
10 only insofar as that recommendation accords with security  
11 classification and space availability.

12 When do you suggest the Court order that she turn  
13 herself in to serve the sentence?

14 MR. PORTANOVA: I would recommend early November, Your  
15 Honor. It takes them quite a bit of time lately to designate.

16 THE COURT: Ms. Alegria?

17 MS. ALEGRIA: No objection, Your Honor.

18 THE COURT: Early November.

19 The Court will order that Ms. Papini turn herself in  
20 to the institution designated by the Bureau of Prisons by 2:00  
21 p.m. on November the 8th. Make a note of that, Mr. Portanova.

22 Ms. Papini, you keep in touch with Mr. Portanova. He  
23 will inform you what institution has been selected. It will be  
24 your responsibility to turn yourself into that institution.

25 If you don't want to turn yourself in to that

1 institution or if you can't get there, you're ordered to turn  
2 yourself in to the United States Marshal's Office on the fifth  
3 floor of this building at that time. That is 2:00 p.m. on  
4 November the 8th of this year. Understood?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: All right. Has she waived her right to  
7 appeal?

8 MS. ALEGRIA: Yes, Your Honor.

9 MR. PORTANOVA: Yes, Your Honor.

10 THE COURT: All right. Is there anything else at this  
11 time, Mr. Portanova?

12 MR. PORTANOVA: No, Your Honor. Thank you for the  
13 time.

14 And I know Ms. Papini, as painful as it is,  
15 appreciates the Court's time and attention to this matter as  
16 well, as well as the U.S. Attorney's Office. As bad as this  
17 is, it's -- I sincerely believe that she has accepted this in  
18 her life completely and couldn't get there without the Court's  
19 help and the U.S. Attorney.

20 THE COURT: Is there anything else, Ms. Alegria?

21 MS. ALEGRIA: Yes, Your Honor. The government, in the  
22 interest justice, moves to dismiss the remaining counts of the  
23 information.

24 THE COURT: That motion is granted. The remaining  
25 counts of the information as against Ms. Papini are dismissed.

1 All right. Court will be in recess for 15 minutes  
2 before we call the next case.

3 MR. PORTANOVA: Thank you, Your Honor.

4 MS. ALEGRIA: Thank you, Your Honor.

6

## C E R T I F I C A T E

I certify that the foregoing is a true and correct transcript of the record of proceedings in the above-entitled matter.

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Jenj Coulthard

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JENNIFER L. COULTHARD, RMR, CRR  
Official Court Reporter  
CA CSR#14457

September 19, 2022

DATE

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